#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Vincent GERUSZ et al

Date: August 6, 2001

Serial No.:

Group Art Unit:

Filed:

Examiner:

For: FUNGICIDAL PHENYLIMINE DERIVATIVES

Asst. Commissioner for Patents Washington, D.C. 20231

#### AMENDMENT/SUBMISSION

Preliminary to review of the above referenced application, please amend as follows.

#### FEE CALCULATION

Any additional fee required has been calculated as follows:

\_\_\_\_ If checked, "Small Entity" status is claimed.

| NO. CLAIMS | HIGHEST NO. |
|------------|-------------|
| AFTER      | PREVIOUSLY  |
| AMENDMENT  | DAID FOR    |

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|-------------|---------|----------|---------------|--------|------------|----|---------------------|-----------|
| AMENDMENT   |         |          | PAID FOR      | E      | TRA PRESEN | NΤ | RATE                | FEE       |
| TOTAL       | 33      | MINUS    | 20            | * =    | 13         | X  | (\$9 SE or \$18)    | \$ 234.00 |
| INDEP.      | 1       | MINUS    | 3             | ** =   | 0          | X  | (\$40 SE or \$80)   | \$        |
| FIRST PRESI | ENTATIO | ON OF MU | JLTIPLE DEF   | PENDEN | CLAIM      | X  | (\$135 SE or \$270) | \$        |

<sup>\*</sup> not less than 20 \*\* not less than 3

TOTAL \$ 234.00

**ADDIT** 

If any additional payment is required, a check which includes the calculated fee of \$234.00 (OFGS Check No. 5867) is attached.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

### **CONTINGENT EXTENSION REQUEST**

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

#### **AMENDMENTS**

- \_X\_ If checked, amendment(s) to the specification and/or claims are submitted herewith.
- 1. \_\_\_ If checked, an abstract is submitted as the last page of Appendix A.

#### 2. Specification:

Please delete the paragraph(s)/section(s) beginning at page, and replace such paragraph(s)/section(s) pursuant to 37 C.F.R. § 1.121(b)(ii) with the "clean" version attached hereto as Appendix A. Entry is respectfully requested. A version with markings to show the changes made pursuant to 37 C.F.R. § 1.121(b)(iii) is attached hereto as Appendix B.

#### 3. Claims:

Please cancel claims 16 and 33 without prejudice.

Please amend claims <u>4-15, 17-31, 34 and 35</u> pursuant to 37 C.F.R. § 1.121(c)(i) as set forth in the "clean" version attached hereto as Appendix A. Entry is respectfully requested. A version with markings to show the changes made pursuant to 37 C.F.R. § 1.121(c)(ii) is attached hereto as Appendix B.

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\_\_\_\_ If checked, the optional complete set of "clean" claims pursuant to 37 C.F.R. § 1.121(c)(3) is attached hereto as Appendix C.

#### **REMARKS/ARGUMENT**

This Preliminary Amendment is being submitted to change the multiple dependent claims to single dependent claims in order to eliminate the improper multiple dependent claims and to reduce the government filing fee.

#### EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail to Addressee (mail label # EL855845675US) in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on August 6, 2001:

Dorothy Jenkins

Name of Person Mailing Correspondence

August 6, 2001

Date of Signature

EAM/jc

Respectfully submitted,

Edward A. Meilman

Registration No.: 24,735

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#### **APPENDIX A**

# "CLEAN" VERSION OF EACH PARAGRAPH/SECTION/CLAIM 37 C.F.R. § 1.121(b)(ii) AND (c)(i)

#### CLAIMS (with indication of amended or new):

(Amended) 4. A compound according to claim 1 wherein R1 is C1-C10 alkyl or hydrogen.

(Amended) 5. A compound according to claim 1 wherein R1 is methyl or hydrogen.

(Amended) 6. A compound according to claim 1 wherein R2 is alkyl, acyl, alkoxycarbonyl, aminocarbonyl, alkenyl or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl, or is hydrogen or alkylcarbonyl.

(Amended) 7. A compound according to claim 1 wherein R2 is alkyl, acyl, alkoxycarbonyl, aminocarbonyl, alkenyl or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or by halogen, or is hydrogen or alkylcarbonyl.

(Amended) 8. A compound according to claim 1 wherein R2 is C1-C10 alkyl or hydrogen.

(Amended) 9. A compound according to claim 1 wherein R2 is methyl or hydrogen.

(Amended) 10. A compound according to claim 1 wherein R4 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; or alkylthio.

(Amended) 11. A compound according to claim 1 wherein R4 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or halogen; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; or alkylthio.

(Amended) 12. A compound according to claim 1 wherein R4 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydroxy; halogen; cyano; -C(=O)Rc, -C(=S)Rc or -S(O)pRc, where Rc is alkyl, haloalkyl, alkoxy, haloalkoxy, alkylthio, amino, monoalkylamino, dialkylamino or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio; or phenyloxy, phenylthio, carbocyclyl, heterocyclyl; alkoxy; haloalkoxy; or alkylthio.

(Amended) 13. A compound according to claim 1 wherein R4 is C1-C10 alkyl or halogen.

(Amended) 14. A compound according to claim 1 wherein R4 is methyl or ethyl or halogen.

(Amended) 15. A compound according to claim 1 wherein m is 0 or 1.

(Amended) 17. A compound according to claim 1 wherein, when present, R5 is attached at the 5 position of ring M.

(Amended) 18. A compound according to claim 1 wherein A is a direct bond, -O-, -A1-, -S(O)nA1-, -O(A1)k-, -S(O)n-, -NR9A2-, -A2-, -OA2-, -OA2-A1-, -NR9- or -O(A1)kO-.

(Amended) 19. A compound according to claim 1 wherein A is a direct bond, -O-, -S-, -NR9-, -CHR7- or -O-CHR7-.

(Amended) 20. A compound according to claim 1 wherein A is a direct bond or -O-.

(Amended) 21. A compound according to claim 1 wherein, when present, R9 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydrogen.

(Amended) 22. A compound according to claim 1 wherein, when present, R9 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or halogen; or is hydrogen.

(Amended) 23. A compound according to claim 1 wherein, when present, R9 is C1-C10 alkyl or hydrogen.

(Amended) 24. A compound according to claim 1 wherein, when present, R7 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; alkylthio; or hydrogen.

(Amended) 25. A compound according to claim 1 wherein, when present, R7 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or by halogen; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; alkylthio; or hydrogen.

(Amended) 26. A compound according to claim 1 wherein, when present, R7 is C1-C10 alkyl or hydrogen.

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(Amended) 27. A compound according to claim 1 wherein A is attached to the 4 position of benzene ring M.

(Amended) 28. A compound according to claim 1 wherein R6 is optionally substituted aromatic heterocyclyl.

(Amended) 29. A compound according to claim 1 wherein R6 is optionally substituted thiazolyl, isothiazolyl, thiadiazolyl, pyridyl or pyrimidinyl.

(Amended) 30. A compound according to claim 1 wherein R6 is optionally substituted 1,2,4-thiadiazolyl.

(Amended) 31. A compound according to claim 1 wherein when substituted, R6 may be substituted by one or more substituents, which may be the same or different, and may be selected from the list: alkyl, alkenyl, alkynyl, carbo- or heterocyclyl, each of which may be substituted; hydroxy; mercapto; azido; nitro; halogen; cyano; acyl; optionally substituted amino; cyanato; thiocyanato; -SF5; -ORa; -SRa and -Si(Ra)3, where Ra is alkyl, alkenyl, alkynyl, carbocyclyl or heterocyclyl, each of which may be substituted.

(Amended) 34. A fungicidal composition comprising at least one compound as claimed in claim 1 in admixture with an agriculturally acceptable diluent or carrier.

(Amended) 35. A method of combating fungi at a locus infested or liable to be infested therewith, which comprises applying to the locus a compound as claimed in claim 1.

#### APPENDIX B

## VERSION WITH MARKINGS TO SHOW CHANGES MADE 37 C.F.R. § 1.121(b)(iii) AND (c)(ii)

#### **CLAIMS:**

- 4. A compound according to [any preceding claim] <u>claim 1</u> wherein R1 is C1-C10 alkyl or hydrogen.
- 5. A compound according to [any preceding claim] <u>claim 1</u> wherein R1 is methyl or hydrogen.
- 6. A compound according to [any preceding claim] <u>claim 1</u> wherein R2 is alkyl, acyl, alkoxycarbonyl, aminocarbonyl, alkenyl or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl, or is hydrogen or alkylcarbonyl.
- 7. A compound according to [any preceding claim] <u>claim 1</u> wherein R2 is alkyl, acyl, alkoxycarbonyl, aminocarbonyl, alkenyl or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or by halogen, or is hydrogen or alkylcarbonyl.
- 8. A compound according to [any preceding claim] <u>claim 1</u> wherein R2 is C1-C10 alkyl or hydrogen.
- 9. A compound according to [any preceding claim] <u>claim 1</u> wherein R2 is methyl or hydrogen.
- 10. A compound according to [any preceding claim] claim 1 wherein R4 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; or alkylthio.

- 11. A compound according to [any preceding claim] <u>claim 1</u> wherein R4 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or halogen; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; or alkylthio.
- 12. A compound according to [any preceding claim] <u>claim 1</u> wherein R4 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydroxy; halogen; cyano; -C(=O)Rc, -C(=S)Rc or -S(O)pRc, where Rc is alkyl, haloalkyl, alkoxy, haloalkoxy, alkylthio, amino, monoalkylamino, dialkylamino or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio; or phenyloxy, phenylthio, carbocyclyl, heterocyclyl; alkoxy; haloalkoxy; or alkylthio.
- 13. A compound according to [any preceding claim] <u>claim 1</u> wherein R4 is C1-C10 alkyl or halogen.
- 14. A compound according to [any preceding claim] <u>claim 1</u> wherein R4 is methyl or ethyl or halogen.
  - 15. A compound according to [any preceding claim] claim 1 wherein m is 0 or 1.
- 17. A compound according to [any preceding claim] <u>claim 1</u> wherein, when present, R5 is attached at the 5 position of ring M.
- 18. A compound according to [any preceding claim] claim 1 wherein A is a direct bond, -O-, -A1-, -S(O)nA1-, -O(A1)k-, -S(O)n-, -NR9A2-, -A2-, -OA2-, -OA2-A1-, -NR9- or -O(A1)kO-.
- 19. A compound according to [any preceding claim] <u>claim 1</u> wherein A is a direct bond, -O-, -S-, -NR9-, -CHR7- or -O-CHR7-.

- 20. A compound according to [any preceding claim] <u>claim 1</u> wherein A is a direct bond or -O-.
- 21. A compound according to [any preceding claim] <u>claim 1</u> wherein, when present, R9 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydrogen.
- 22. A compound according to [any preceding claim] <u>claim 1</u> wherein, when present, R9 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or halogen; or is hydrogen.
- 23. A compound according to [any preceding claim] <u>claim 1</u> wherein, when present, R9 is C1-C10 alkyl or hydrogen.
- 24. A compound according to [any preceding claim] <u>claim 1</u> wherein, when present, R7 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; alkylthio; or hydrogen.
- 25. A compound according to [any preceding claim] <u>claim 1</u> wherein, when present, R7 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or by halogen; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; alkylthio; or hydrogen.
- 26. A compound according to [any preceding claim] <u>claim 1</u> wherein, when present, R7 is C1-C10 alkyl or hydrogen.

- 27. A compound according to [any preceding claim] <u>claim 1</u> wherein A is attached to the 4 position of benzene ring M.
- 28. A compound according to [any preceding claim] <u>claim 1</u> wherein R6 is optionally substituted aromatic heterocyclyl.
- 29. A compound according to [any preceding claim] <u>claim 1</u> wherein R6 is optionally substituted thiazolyl, isothiazolyl, thiadiazolyl, pyridyl or pyrimidinyl.
- 30. A compound according to [any preceding claim] <u>claim 1</u> wherein R6 is optionally substituted 1,2,4-thiadiazolyl.
- 31. A compound according to [any preceding claim] <u>claim 1</u> wherein when substituted, R6 may be substituted by one or more substituents, which may be the same or different, and may be selected from the list: alkyl, alkenyl, alkynyl, carbo- or heterocyclyl, each of which may be substituted; hydroxy; mercapto; azido; nitro; halogen; cyano; acyl; optionally substituted amino; cyanato; thiocyanato; -SF5; -ORa; -SRa and -Si(Ra)3, where Ra is alkyl, alkenyl, alkynyl, carbocyclyl or heterocyclyl, each of which may be substituted.
- 34. A fungicidal composition comprising at least one compound as claimed in [any one of claims 1 to 32] <u>claim 1</u> in admixture with an agriculturally acceptable diluent or carrier.
- 35. A method of combating fungi at a locus infested or liable to be infested therewith, which comprises applying to the locus a compound as claimed [any one of claims 1 to 32] <u>in claim 1</u>.

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Vincent GERUSZ et al

Date: August 6, 2001

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Examiner:

For: FUNGICIDAL PHENYLIMINE DERIVATIVES

Asst. Commissioner for Patents Washington, D.C. 20231

#### SECOND PRELIMINARY AMENDMENT

Preliminary to review of the above referenced application, please amend as follows.

#### FEE CALCULATION

Any additional fee required has been calculated as follows:

\_\_\_\_\_ If checked, "Small Entity" status is claimed.

| NO. | CLAIMS |
|-----|--------|
|     |        |

HIGHEST NO.

|  | AFTER |    | <b>PREVIOUS</b>        | LY |      |    |                     |     | ADDI              | Τ.       |  |
|--|-------|----|------------------------|----|------|----|---------------------|-----|-------------------|----------|--|
| AMENDMENT                                      |       |    | PAID FOR EXTRA PRESENT |    |      | IT | RATE                | FEE | 3                 |          |  |
| TOTAL  |       | 34 | MINUS                  | 33 | * =  |    | 1                   | X   | (\$9 SE or \$18)  | \$ 18.00 |  |
| INDEP.   |       | 1  | MINUS                  | 3  | ** = |    | 0                   | X   | (\$40 SE or \$80) | \$       |  |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM |       |    |                        |    |      | X  | (\$135 SE or \$270) | \$  |                   |          |  |

<sup>\*</sup> not less than 20 \*\* not less than 3

TOTAL \$ 18.00

If any additional payment is required, a check which includes the calculated fee of \$18.00 (OFGS Check No. 5867) is attached.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

#### **CONTINGENT EXTENSION REQUEST**

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

#### **AMENDMENTS**

\_X\_ If checked, amendment(s) to the specification and/or claims are submitted herewith.

1. \_\_\_ If checked, an abstract is submitted as the last page of Appendix A.

#### 2. Specification:

Please delete the paragraph(s)/section(s) beginning at page, and replace such paragraph(s)/section(s) pursuant to 37 C.F.R. § 1.121(b)(ii) with the "clean" version attached hereto as Appendix A. Entry is respectfully requested. A version with markings to show the changes made pursuant to 37 C.F.R. § 1.121(b)(iii) is attached hereto as Appendix B.

#### 3. Claims:

Please cancel claims \_\_\_\_\_ without prejudice.

Please amend claims 17, 21-26, 31 and 32 and add new claim 36 pursuant to 37 C.F.R. § 1.121(c)(i) as set forth in the "clean" version attached hereto as Appendix A. Entry is respectfully requested. A version with markings to show the changes made pursuant to 37 C.F.R. § 1.121(c)(ii) is attached hereto as Appendix B.

If checked, the optional complete set of "clean" claims pursuant to 37 C.F.R. § 1.121(c)(3) is attached hereto as Appendix C.

EAM/jc

#### REMARKS/ARGUMENT

The foregoing amendments were made to place this case into better condition for consideration and allowance.

#### EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail to Addressee (mail label # EL855845675US) in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on August 6, 2001:

Dorothy Jenkins

Name of Person Mailing Correspondence

August 6, 2001

Date of Signature

Respectfully submitted,

Edward A. Meilman Registration No.: 24,735

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00523000.1

#### APPENDIX A

## "CLEAN" VERSION OF EACH PARAGRAPH/SECTION/CLAIM

37 C.F.R. § 1.121(b)(ii) AND (c)(i)

#### **CLAIMS** (with indication of amended or new):

(Amended) 17. A compound according to claim 1 wherein R5 is attached at the 5 position of ring M.

(Amended) 21. A compound according to claim 1 wherein R9 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydrogen.

(Amended) 22. A compound according to claim 1 wherein R9 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or halogen; or is hydrogen.

(Amended) 23. A compound according to claim 1 wherein R9 is C1-C10 alkyl or hydrogen.

(Amended) 24. A compound according to claim 1 wherein R7 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; alkylthio; or hydrogen.

(Amended) 25. A compound according to claim 1 wherein R7 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or by halogen; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; alkylthio; or hydrogen.

(Amended) 26. A compound according to claim 1 wherein R7 is C1-C10 alkyl or hydrogen.

(Amended) 31. A compound according to claim 1 wherein R6 may be substituted by one or more substituents, which may be the same or different, and may be selected from the list: alkyl, alkenyl, alkynyl, carbo- or heterocyclyl, each of which may be substituted; hydroxy; mercapto; azido; nitro; halogen; cyano; acyl; optionally substituted amino; cyanato; thiocyanato; -SF5; -ORa; -SRa and -Si(Ra)3, where Ra is alkyl, alkenyl, alkynyl, carbocyclyl or heterocyclyl, each of which may be substituted.

(Amended) 32. A compound according to claim 31 wherein R6 may be substituted by one or more substituents, which may be the same or different, and may be selected from the list: hydroxy; halogen; cyano; acyl; amino; alkylamino; dialkylamino; alkyl; haloalkyl; RaO-alkyl; acyloxyalkyl; cyano-oxyalkyl; alkoxy; haloalkoxy; alkylthio; carbocyclyl, optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio; and benzyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio.

(New) 36. A compound according to claim 1 wherein R5 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; or alkylthio.

#### APPENDIX B

## VERSION WITH MARKINGS TO SHOW CHANGES MADE 37 C.F.R. § 1.121(b)(iii) AND (c)(ii)

#### **CLAIMS:**

- 17. A compound according to claim 1 wherein [, when present,] R5 is attached at the 5 position of ring M.
- 21. A compound according to claim 1 wherein [, when present,] R9 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydrogen.
- 22. A compound according to claim 1 wherein [, when present,] R9 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or halogen; or is hydrogen.
- 23. A compound according to claim 1 wherein [, when present,] R9 is C1-C10 alkyl or hydrogen.
- 24. A compound according to claim 1 wherein [, when present,] R7 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; alkylthio; or hydrogen.
- 25. A compound according to claim 1 wherein [, when present,] R7 is alkyl, alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or phenyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio, each containing 1 to 5 carbon atoms, or by halogen; or is hydroxy; halogen; cyano; acyl; alkoxy; haloalkoxy; alkylthio; or hydrogen.
- 26. A compound according to claim 1 wherein [, when present], R7 is C1-C10 alkyl or hydrogen.

- 31. A compound according to claim 1 wherein [when substituted,] R6 may be substituted by one or more substituents, which may be the same or different, and may be selected from the list: alkyl, alkenyl, alkynyl, carbo- or heterocyclyl, each of which may be substituted; hydroxy; mercapto; azido; nitro; halogen; cyano; acyl; optionally substituted amino; cyanato; thiocyanato; -SF5; -ORa; -SRa and -Si(Ra)3, where Ra is alkyl, alkenyl, alkynyl, carbocyclyl or heterocyclyl, each of which may be substituted.
- 32. A compound according to claim 31 wherein [when substituted,] R6 may be substituted by one or more substituents, which may be the same or different, and may be selected from the list: hydroxy; halogen; cyano; acyl; amino; alkylamino; dialkylamino; alkyl; haloalkyl; RaO-alkyl; acyloxyalkyl; cyano-oxyalkyl; alkoxy; haloalkoxy; alkylthio; carbocyclyl, optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio; and benzyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio.